

GOVERNMENT OF THE VIRGIN ISLANDS  
OF THE  
UNITED STATES

Public Services Commission

IN RE:	)	Docket No. 598
	)	Order No. 18/2012
APPLICATION OF TERRACOM, INC. DESIGNATION	)	
AS AN ELIGIBLE TELECOMMUNICATION CARRIER	)	
<u>ON WIRELESS BASIS (LOW INCOME ONLY)</u>	)	

**ORDER**

WHEREAS, on January 5, 2012, TerraCom, Inc. (hereinafter "TerraCom") filed an Application for Designation as an Eligible Telecommunications Carrier (hereinafter "ETC") with the Virgin Islands Public Services Commission (hereinafter, "PSC" or the "Commission"). In its Application, TerraCom sought designation as an ETC pursuant to §214(e)(2) of the Federal Communications Act of 1934, as amended ("Act") solely to provide prepaid wireless services supported by the Federal Universal Service Fund's ("USF") Lifeline program. TerraCom did not seek authority to provide services supported by the USF's high-cost program; and

WHEREAS, TerraCom is a telecommunications carrier as defined by 47 U.S.C. § 153(44); and

WHEREAS, on March 6, 2012, TerraCom's application was granted by operation of law, pursuant to 30 V.I.C. § 45(e); and

WHEREAS, on February 6, 2012, the Federal Communication Commission (FCC) issued changes to its Rules and Regulations governing the ETC designation process; and

WHEREAS, on March 21, 2012, the Commission's Technical Consultant for Telecommunications Georgetown Consulting Group (hereinafter "GCG") prepared a written report ("the Report") on TerraCom's ETC application under the newly issued guidelines of the FCC; and

WHEREAS, included among the findings and recommendations of GCG, which findings and recommendations have been adopted by the Commission, are the following:

- a. "GCG is fully satisfied that the underlying carrier has the facilities and expertise to handle traffic from TerraCom's customers" (Report, page 4.)
- b. "TerraCom has provided sufficient information to demonstrate its capacity and commitment to provide the supported services in accordance with the ... Federal Act requirements." (Report, page 9.)

- c. “TerraCom has satisfied, or will satisfy, the federal statutory requirements of Section 214(e),” (Report, page 10.)
- d. “.. TerraCom has met the service requirements for the services supported by the Lifeline program.” (Report, page 12.)
- e. “TerraCom certified that it will comply with the Cellular Telecommunications and Internet Associations Customer Code for Wireless Service” (Report, page 12.)
- f. “.. the Company is financially sound”. (Report, page 12.)
- g. “TerraCom has provided a certification that its marketing materials will comply with ... requirements” (Report, page 12.)
- h. “TerraCom’s Lifeline service may provide a variety of benefits to customers in the USVI, including consumer choice and advantageous service offering.” (Report, page 13.)
- i. “TerraCom service will prove popular and will significantly increase the benefit of federal USF funds to USVI residents” (Report, page 13.)
- j. “.. TerraCom’s Application for Designation as an Eligible Telecommunication Carrier in the USVI is in the public interest” (Report page 14.); and

WHEREAS, after proper, legal and timely notice of this matter, on March 30, 2012, the Virgin Islands Public Services Commission met in Regular Session at the Port Authority Conference Room located at the Henry Rohlsen Airport on St. Croix, United States Virgin Islands; and

WHEREAS, upon review and deliberation, the Commission voted to adopt the Technical Consultants recommendations in the Report regarding TerraCom’s application; and

WHEREAS, based on the evidence in the record the Commission finds that TerraCom meets the eligibility criteria for ETC Designation as contained in Section 214(e)(1) and related FCC rules, and the Commission is satisfied that the designation of TerraCom with ETC status for the limited purpose of offering Lifeline service in the United States Virgin Islands satisfies the public interest analysis the Commission is required to perform under the 2005 FCC ETC Order; and

WHEREAS, the Commission found that TerraCom’s application had already been granted by operation of law, and that its application conformed to the new federal guidelines, and that the ETC designation shall be made retroactive to March 6, 2012.

NOW THEREFORE, it is hereby **ORDERED** that the Technical Consultant’s recommendations in the Report be **ADOPTED**; and

FINALLY, it is hereby **ORDERED** that TerraCom's ETC application is **GRANTED** retroactive to March 6, 2012.

SO ORDERED

For Commission

Dated: April 30<sup>th</sup>, 2012

  
Donald G. Cole, Chair